THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 18453 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 28.8.2006 passed by the A.P. Administrative Tribunal in O.A. No. 4371 of 2003.

Heard the learned Government Pleader for Services-I and perused the material available on record.

The O.A. was filed by the respondent No.1 herein aggrieved by the orders of the petitioner No.1 herein dated 27.6.2003 terminating him from service as Physical Education Teacher and its consequential relieving orders issued by the petitioner No.2 dated 3.7.2003, which was allowed by the Tribunal.

The case of the petitioners is that the respondent No.1 – applicant was selected due to oversight by ignoring the trained ST candidates and he does not possess the requisite training qualification of Physical Education to hold the post of Physical Education Teacher and therefore the Tribunal erred in passing the impugned order. However, as rightly pointed out by the Tribunal, the persons who were untrained were also entitled to apply for Physical Education Teacher posts and they would be appointed only in the absence of trained candidates. There is no misrepresentation on the part of respondent No.1 – applicant as he was eligible to be appointed to the said post and it is the petitioners – authorities who have considered the case of the respondent No.1 and issued orders

of appointment. It is also borne out from the material that the respondent No.1 worked as Physical Education Teacher for 1½ years and he was also sent for training vide proceedings Rc.No.48/N2-1/2005 dated 18.8.2005 and he possesses the qualification of Graduate Diploma in Physical Education Training, which is a requisite qualification to hold the post. Therefore, keeping in view the interest of justice and equity, the Tribunal rightly allowed the O.A. filed by the respondent No.1 – applicant and we do not find any error or infirmity in the said order warranting interference of this Court.

There is no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 30-08-2007.

MVB.